



February 16, 2007

## SENATE BILL No. 113

DIGEST OF SB 113 (Updated February 14, 2007 6:46 pm - DI 102)

**Citations Affected:** IC 36-10.

**Synopsis:** Town park board membership. Provides that the town legislative body (and not the town executive) appoints members of the town parks and recreation board. Allows a town legislative body to waive town park board membership requirements that a town park board member be affiliated with a political party and that not more than two of the four board members be of the same political party. Provides that a town legislative body may waive the requirements by majority vote if there is an absence of persons who are willing to serve on the town park board and who would satisfy the requirements.

**Effective:** July 1, 2007.

**Gard**

January 8, 2007, read first time and referred to Committee on Local Government and Elections.

February 15, 2007, reported favorably — Do Pass.

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SB 113—LS 6237/DI 87+



February 16, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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## SENATE BILL No. 113

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-10-3-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A ~~municipal city~~  
3 board consists of four (4) members to be appointed by the ~~city~~  
4 executive. ~~of the municipality~~. The members shall be appointed on the  
5 basis of their interest in and knowledge of parks and recreation, but no  
6 more than two (2) members may be affiliated with the same political  
7 party. ~~Members of a town board must be residents of the district~~. In  
8 addition, the creating ordinance may provide for one (1) or two (2) ex  
9 officio members, those being:  
10 (1) a member  
11 (A) of the governing body of the school corporation selected  
12 by that body; or  
13 (B) ~~designated by the governing body of the school~~  
14 ~~corporation if the board is in a town~~;  
15 (2) a member of the governing body of the library district selected  
16 by that body; or  
17 (3) both **subdivisions** (1) and (2).

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(b) A town board consists of four (4) members to be appointed by the town legislative body. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation. Except as provided in section 4.1 of this chapter, not more than two (2) members may be affiliated with the same political party. Members of the board must be residents of the district. In addition, the creating ordinance may provide for one (1) or two (2) ex officio members, those being:

(1) a member:

(A) of the governing body of the school corporation selected by that body; or

(B) designated by the governing body of the school corporation;

(2) a member of the governing body of the library district selected by that body; or

(3) both subdivisions (1) and (2).

~~(b)~~ (c) A county board shall be appointed as follows:

(1) Two (2) members shall be appointed by the judge of the circuit court.

(2) One (1) member shall be appointed by the county executive.

(3) Two (2) members shall be appointed by the county fiscal body.

The members appointed under subdivisions (1), (2), and (3) shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than one (1) member appointed under subdivisions (1) and (3) may be affiliated with the same political party. In a county having at least one (1) first or second class city, the creating ordinance must provide for one (1) ex officio board member to be appointed by the executive of that city. The member appointed by the city executive must be affiliated with a different political party than the member appointed by the county executive. However, if a county has more than one (1) such city, the executives of those cities shall agree on the member. The member serves for a term coterminous with the term of the appointing executive or executives.

~~(c)~~ (d) Ex officio members have all the rights of regular members, including the right to vote. A vacancy in an ex officio position shall be filled by the appointing authority.

~~(d)~~ (e) Neither a municipal executive nor a member of a county fiscal body, county executive, or municipal fiscal body may serve on a board.

~~(e)~~ (f) The creating ordinance in any county may provide for:

(1) the county cooperative extension coordinator;

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(2) the county extension educator; or

(3) a member of the county extension committee selected by the committee;

to serve as an ex officio member of the county board, in addition to the members provided for under subsection ~~(b)~~ (c).

~~(f)~~ (g) The creating ordinance in a county having no first or second class cities may provide for a member of the county board to be selected by the board of supervisors of a soil and water conservation district in which a facility of the county board is located. The member selected under this subsection is in addition to the members provided for under subsections ~~(b)~~ (c) and ~~(e)~~ (f).

SECTION 2. IC 36-10-3-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.1. A town legislative body may, by a majority vote, waive any or all of the following requirements of a town board member under section 4(b) of this chapter:**

(1) The requirement that a member of the town board be affiliated with a political party.

(2) The requirement that not more than two (2) of the four (4) members of the town board be affiliated with the same political party.

A town legislative body may vote for a waiver only if the waiver is necessary due to the absence of persons who are willing to serve on the town board and who satisfy any or all of the requirements.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 113, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 113 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 9, Nays 0.

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